

**Report on the Remand of the Humboldt Watershed Council Petition,  
Elk River and Freshwater, Bear, Jordan, and Stitz Creeks**

**Chronology of events leading to WQO 2002-0004**

- The North Coast Regional Water Quality Control Board (Regional Water Board) has received testimony from staff and members of the public since at least 1997 regarding flooding, erosion, and adverse impacts on water supplies and other beneficial uses in two watersheds in the Eureka Plain Hydrologic Unit and three subwatersheds in the Eel River Hydrologic Unit. Those watersheds are the North Fork Elk River, Freshwater Creek, Bear Creek, Jordan Creek, and Stitz Creek.
- On February 24, 2000, staff updated the Regional Water Board on the Pacific Lumber Company's (PALCO's) timber harvest activities in the five watersheds, and discussed water quality protection and monitoring efforts required, proposed, and/or underway in those watersheds. The Regional Water Board directed staff to provide a progress report on these activities at the April 27, 2000 Regional Water Board meeting.
- On April 17, 2000, the Humboldt Watershed Council filed a petition asking the Regional Water Board to impose waste discharge requirements on logging operations in Freshwater Creek and the Elk River watersheds.
- On April 26, 2000, the Regional Water Board toured areas in Freshwater Creek and North Fork Elk River.
- At the April 27, 2000 Regional Water Board meeting, the Regional Water Board (members Daniel Crowley, Leslie Dahlhof, Jason Liles, Bill Massey, Bev Wasson, and William Hoy) directed staff to present all available options for regulatory action in the five watersheds, including Freshwater Creek and North Fork Elk River. Staff was directed to return with these options at the September 2000 Regional Water Board meeting.
- On September 9, 2000, staff released a Staff Report discussing proposed Regional Water Board actions in the five watersheds.
- In September, the Regional Water Board postponed the hearing from September until November 16, 2000. The hearing was re-noticed. Following receipt of the public notice of the November 16, 2000 hearing, PALCO requested a continuance to mid-February 2001, in order to provide additional time to prepare for the hearing. After the Regional Water Board initially denied the request, PALCO filed a petition with the State Board to overturn that denial. The Regional Water Board subsequently granted the request, and scheduled the hearing for February 15, 2001.
- On January 4, 2001, a panel of Regional Water Board members (William Hoy and Daniel Crowley) held a pre-hearing conference to hear motions and requests on procedural matters.
- On January 26, 2001, Chair Dan Crowley announced that the February 15, 2001 hearing would be vacated due to his schedule, Mr. Hoy's schedule, Jason Liles' resignation, and newly appointed Board member Dina Moore's need for more time to become familiar with the issues. Mr. Crowley further indicated that the Regional Water Board hearings (anticipated to last at least 3 days) would take place after all designated parties checked

their appointment calendars. Subsequently, the Chair found that there were scheduling conflicts for the hearing through May 2001.

- On March 1, 2001, the Humboldt Watershed Council filed a petition with the State Water Resources Control Board (State Board) requesting that the State Board order the Regional Water Board to adopt waste discharge requirements for PALCO's operations in the Freshwater Creek and Elk River watersheds.
- On March 28, 2001, the Regional Water Board Assistant Executive Officer issued a Monitoring and Reporting Order No. R1-2001-19 for Timber Harvest Plan 1-97-520 HUM, located in the South Fork Elk River watershed.
- On April 12, 2001, the Acting Executive Director of the State Board requested a status report on the Regional Water Board's present actions or intentions with respect to the petition that was filed with the Regional Water Board by the Humboldt Watershed Council.
- On April 24, 2001, PALCO filed a petition with the State Board seeking review of the Regional Water Board Monitoring and Reporting Order No. R1-2001-19 and asking that the order be stayed pending resolution of the merits of the petition.
- On May 15, 2001, the Humboldt Watershed Council filed a lawsuit against the Regional Water Board and PALCO regarding logging operations on a specific timber harvest plan located in the Freshwater Creek watershed.
- Following a May 17, 2001 hearing the State Board denied PALCO's request for a stay of Monitoring and Reporting Order No. R1-2001-19 and announced that it would hold a hearing to assist in its review of the Regional Water Board Monitoring and Reporting Order No. R1-2001-19.
- On June 25 and 26, 2001, the State Board held a public hearing to assist in its review of the Regional Water Board Monitoring and Reporting Order No. R1-2001-19.
- On June 29, 2001, the Regional Water Board met in closed session to discuss the lawsuit and related pending adjudicatory matters.
- On July 3, 2001, Chair Daniel Crowley sent a letter to Celeste Cantu, Executive Director of the State Board, indicating that the Regional Water Board did not intend to conduct hearings at this time to consider adoption of waste discharge requirements on logging operations in the Freshwater Creek or Elk River watersheds. The letter further stated that: "The Regional Water Board is currently assessing the need for the regulation of waste discharges from logging operations into waters of the region. We concur with our staff on the need for in-stream water quality monitoring and reporting programs for specific timber harvest plans in specific watersheds, and have begun to issue orders for such monitoring on a case-by-case basis. Further regulatory action will be taken as necessary. We will also be guided by any policy decisions that may be made by the State Board as a result of the review of Regional Water Board Monitoring and Reporting Order No. R1-2001-19."

- On October 4, 2001, the State Board released a draft Monitoring and Reporting Program for THP 1-97-520 HUM, affirming the Regional Water Board's Water Code authority to require water quality monitoring for timber harvesting and related activities. The State Board order proposed significant modifications to the Regional Water Board order.
- On October 18, 2001, the State Board adopted their proposed Monitoring and Reporting Program, following a hearing held that day.
- On November 16, 2001, counsel representing PALCO and Scotia Pacific Company LLC notified the State Board that it had filed a Petition for Writ of Mandate and Complaint for Declaratory Relief, Injunctive Relief and Damages asking, in part, that the court order the State Board to vacate its Monitoring and Reporting Program and that the court require the State and Regional Water Boards to refrain from imposing or seeking to impose water quality monitoring requirements on PALCO outside of the Timber Harvest Plan review process.
- On January 23, 2002, the State Board adopted order WQO 2002-0004, remanding the issues raised in the Humboldt Watershed Council's petition back to the Regional Water Board for consideration and action in accordance with applicable law. The State Board order also requires the Regional Water Board to report on any revisions to the Regional Water Board's TMDL schedule for Elk River, Freshwater Creek, Bear Creek, Stitz Creek, and Jordan Creek. Further, WQO 2002-0004 requires the Regional Water Board to report on any actions or proceedings taken by the Regional Water Board with respect to the issues raised in the petitions filed with the State and Regional Water Boards by the Humboldt Watershed Council.